

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BOBBY T. McCARTHER,

Defendant.

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CASE NO. 8:07CR152

ORDER

This matter is before the Court on the Court's own motion under Federal Appellate Rule of Procedure 4(b)(4).

Mr. McCarther was sentenced on August 26, 2008, to life imprisonment. (Filing No. 128.) The Court received a letter from Mr. McCarther sent before the expiration of his deadline for filing a notice of appeal indicating that he has been transported to different locations and wishes additional time to file an appeal or explore the filing of an appeal and has had difficulty contacting his attorney to discuss this matter. Under the circumstances, the Court will direct the Clerk to file a Notice of Appeal in the Defendant's behalf, and if the time for filing the appeal (which expires on this date) must be extended to do so the time will be extended as necessary but not to exceed 30 days from today's date as provided in Rule 4(b)(4).

IT IS ORDERED:

1. The Clerk is directed to file a notice of appeal in Mr. McCarther's behalf;
 2. If an extension of time is necessary for the Clerk to file a notice of appeal, the time is extended as necessary not to exceed 30 days from today's date;
- and

3. The Clerk is directed to mail a copy of this order and the notice of appeal to Mr. McCarther at his last known address, # 21576-047, CCA Leavenworth, 100 Highway Terrace, Leavenworth, KS 66048.

DATED this 12th day of September, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge